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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/462,703	06/05/1995	GARY D. HODGEN	SCH1309-C1	7915
23599 7590 01/23/2007 MILLEN, WHITE, ZELANO & BRANIGAN, P.C. 2200 CLARENDON BLVD. SUITE 1400 ARLINGTON, VA 22201			EXAMINER WEBMAN, EDWARD J	
			ART UNIT	PAPER NUMBER
			1616	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
<del>3 MONTHS</del> 1 month	01/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Art Unit: 1616

This supplemental action is being sent out in response to applicants' confusion expressed by a telephone conversation on 1/8/07 regarding the statement on the PTOL 90a coversheet, printed thereon unbeknownst to the examiner, that the time to respond shall be six months from the mailing date if no response time is specified "above". However, the response time is present below rather than "above." The response time below is in the MPEP section cited below. The examiner suggests that the policy reasons for the fixed response period may be found in the legislative history of the regulation provision.

### **Applicant Suggesting an Interference**

Applicant has suggested an interference pursuant to 37 CFR 41.202(a) in communications filed 6/13/02 and 5/22/03. However, applicant has not complied with the new rules for suggesting an interference, as required:

#### **1) Failure to Provide Claim Chart Comparing At Least One Claim**

Applicant failed to provide a claim chart comparing at least one claim of each party corresponding to the count. See 37 CFR 41.202(a)(3) and MPEP Section 2304.02(c).

#### **2) Failure to Explain in Detail Why Applicant Will Prevail on Priority**

Applicant failed to provide a detailed explanation as to why applicant will prevail on priority. See 37 CFR 41.202(a)(4), (a)(6), (d) and MPEP Section 2304.024(c).

#### **3) Failure to Provide Claim Chart Showing Written Description**

Applicant failed to provide a claim chart showing the written description for each claim in the applicant's specification. See 37 CFR 41.202(a)(5) and MPEP Section 2304.02(d).

### **Time Period for Reply**


Applicant is given ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing date of this communication to correct the deficiencies). THE PROVISIONS OF 37 CFR 1.136 DO NOT APPLY TO THE TIME SPECIFIED IN THIS ACTION.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward J. Webman whose telephone number is 571-272-0633. The examiner can normally be reached on M-F from 8 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. Richter, can be reached on 571-272-0646. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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